

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM INC., et al.,

Plaintiffs,

v.

CAO PENG, et al.,

Defendants.

CASE NO. C23-607-TL-BAT

**PRE-SERVICE SCHEDULING
ORDER**

Plaintiffs have initiated a civil Counterfeit Enforcement Action that is subject to General Order 03-23. The Action presents issues of whether Plaintiffs can meet the service requirements under Fed. R. Civ. P. 4, as to the manner in which service must be made and the timeliness of service. The Court accordingly ORDERS:

1. This Order applies whether service will be completed within a judicial district of the United States or in a foreign country.¹ Within **90 days** of the date this Order is signed, Plaintiffs shall file: (a) an affidavit proving service; (b) a motion for alternative service; (c) a motion requesting an extension of the time to serve, setting forth all

¹ Although the 90-day time limit for service in Fed. R. Civ. P. 4(m) “does not apply to service in a foreign country[.]” the rule “does not preclude the court from ‘setting a reasonable time limit for service in a foreign country to properly manage a civil case.’” *Inst. of Cetacean Research v. Sea Shepherd Conservation Soc’y*, 153 F. Supp. 3d 1291, 1320 (W.D. Wash. 2015) (quoting *Baja Devs. LLC v. TSD Loreto Partners*, 2009 WL 2762050, at *1 (D. Ariz. Aug. 26, 2009)).

1 efforts taken over the last 90 days to serve defendants; and/or (d) a motion for pre-
2 service discovery.

- 3 2. If the Court grants any such motions, Plaintiffs shall, no later than **180 days** from the
4 date this Order is signed, complete pre-service discovery and file: (a) an affidavit
5 proving service; or (b) a motion for an additional extension of the time to serve,
6 detailing Plaintiffs' efforts to complete service and when they expect to complete
7 service.
- 8 3. Nothing in this Order shall be construed to prevent Plaintiffs from taking these
9 actions earlier than required.
- 10 4. If service upon all named defendants is not perfected within one year of the date of
11 this Order, the Court anticipates issuing an order to show cause why the case should
12 not be dismissed without prejudice for failure to prosecute.

13 DATED this 2nd day of May, 2023.

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15 BRIAN A. TSUCHIDA
16 United States Magistrate Judge
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